

JOURNAL

THE SENATE OF TEXAS.

FOURTEENTH LEGISLATURE.

FIRST DAY.

SENATE CHAMBER,
AUSTIN, January 13, 1874. }

This being the day set apart by the Constitution and laws for the assembling of the Fourteenth Legislature of the State of Texas, the Senators elect assembled in the Senate Chamber at 9 o'clock A. M., when, upon calling the roll of Senators by the secretary, the following Senators answered to their names, came forward, presented their credentials, took the oath of office, administered by Judge Livingston Lindsey, and took their seats:

Allison, R. D.	Friend, W. R.
Ball, A. J.	Hobby, Edwin
Baker, W. R.	Ireland, John
Bradshaw, Amzi	Ledbetter, H.
Bradley, L. D.	Morris, Joseph
Camp, J. L.	Moore, W. E.
Culberson, D. B.	Parker, C. A.
Davenport, J. H.	Stirman, W. B.
Dillard, J. E.	Swift, W. H.
Dwyer, Joseph E.	Trolinger, W. H.
Ellis, Olinthus	Westfall, W. H.
Erath, Geo. B.	Wood, W. D.

The Senate then proceeded to organize by the election of officers, the secretary presiding, who announced the election of President *pro tem.* as being in order; whereupon Senator Hobby nominated Senator Ireland, who was unanimously elected.

Senator Davenport moved to appoint a committee of three to wait upon the President *pro tem.* elect, inform him of his election, and conduct him to the chair. Carried.

The secretary appointed Senators Davenport, Ellis and Baker said committee.

Upon taking the chair, the President *pro tem.* called on the Rev. O. Fisher to open with prayer, after which the President *pro tem.* addressed the Senate as follows:

"*Senators:* We meet under peculiar circumstances. For ten long years we, a disarmed people, have been struggling to establish a government of our choice. We have yielded everything except honor, for the sake of peace, and to-day, though we have been chosen as representatives of the people, by a majority of near fifty thousand, we find ourselves menaced and embarrassed in the discharge of our duties. Yet I seek not to arouse your passions. The occasion is one that calls for the exercise of a cool, calm, deliberate judgment. Let us consider well our duty to the country, and so shape our conduct that we will command the approval of the world.

"If we act from passion, we do wrong; I therefore urge you to moderation. If anarchy and confusion comes, let the responsibility rest where it belongs; take no rash or false step. When you determine upon a line of conduct, carry it out with promptness, but with firmness and dignity.

"As a senator my highest aspirations and wish is that we may be able to give to the people of Texas a government that will restore quiet to her people, and I trust in God that our conduct may be such that the whole people may exclaim, well done thou good and faithful servants. Senators, I am aware of my own infirmities, and wish to remind you that no presiding officer can conduct your deliberations properly without your earnest support. I thank you for the distinguished honor you have done me in selecting me your presiding officer. I now declare the Senate of the Fourteenth Legislature ready to proceed to business."

The President *pro tem.* then announced that the first business before the Senate was the election of officers.

Senator Swift nominated J. F. Beall, of Panola, for secretary.

Senator Dillard moved that the President

pro tem. appoint three tellers to conduct said election. Carried.

Senators Wood, Hobby and Trolinger were appointed said committee. The Senate then proceeded to vote, and the following was the result: J. F. Beall 23 votes, who was declared duly elected.

Nominations being in order for first assistant secretary, Senator Wood nominated John W. Lane, of Dallas, who received 23 votes, and was declared duly elected.

Senator Westfall nominated Nat Q. Henderson, of Travis, for second assistant secretary, who received 23 votes, and was declared duly elected.

Senator Ellis nominated E. L. Shropshire, of Fayette county, for sergeant-at-arms. He having received 23 votes, was declared duly elected.

Senator Morris nominated Will B. Davis, of Wood, for engrossing clerk, and he securing 23 votes, was declared duly elected.

Senator Ball nominated M. M. Clack, of Johnson, for enrolling clerk. He received 23 votes, and was declared duly elected.

Senator Wood nominated J. P. Farrell, for doorkeeper; and he having received 23 votes, was declared duly elected.

The officers elect then came forward, and the President *pro tem.* administered the oath of office.

Senator Dillard offered the following resolution, which was adopted:

Resolved, That the rules adopted and enforced by the Senate of the Thirteenth Legislature of the State of Texas be adopted and enforced as the rules of procedure for this body, until otherwise provided.

Senator Swift moved that the Senate go into the election of a chaplain. Adopted.

Senator Wood nominated Geo. W. Barber

Senator Ball nominated Rev. O. Fisher.

Senator Swift nominated Rev. R. H. Taliafero.

The Senate proceeded to ballot, and the following was the result: Fisher 4, Taliafero 13, Barber 6. Rev. Mr. Taliafero having received a majority of all the votes cast, was declared duly elected.

Senator Dillard offered the following resolution:

Resolved, That the President of the Senate is hereby authorized to appoint such number of pages as he may see fit, not exceeding four, and such number of porters as he may see fit, not exceeding three, whenever he may think them necessary. Adopted.

Senator Culberson offered the following resolution:

Resolved, That a committee of three, on the part of the Senate, to act with a like committee on the part of the House, be appointed to wait upon his Excellency the Governor, and notify him of the organization of the Fourteenth Legislature.

Adopted, and the following committee appointed: Senators Culberson, Bradley and Erath.

Senator Wood offered the following resolution:

Resolved, That a committee of three be appointed by the President, on the part of the Senate, to inform the House that the Senate is organized and ready to proceed to business. Adopted.

Senators Wood, Ledbetter and Bradshaw were appointed said committee.

Senator Hobby offered the following resolution:

Resolved, That the secretary of the Senate prepare, at once, tickets corresponding with the numbers upon the desks, and that Senators thereupon proceed to draw for the same. Adopted.

The following Senators elect being absent, the secretary was instructed to draw seats for them, to-wit: Senators Flanagan and Randle. Senator Flanagan drew seat No. 1 and Senator Randle, No. 18.

Senator Hobby offered the following resolution:

Resolved, That under the direction of the president suitable seats be prepared within the bar of the Senate, to be assigned to reporters for the press. Adopted.

The sergeant-at-arms announced a committee from the House. The committee announced to the Senate that the House was organized and ready to proceed to business.

Senator Ball moved to adjourn until 10 o'clock A. M. to-morrow. Senate refused to adjourn.

Senator Wood announced, on the part of the committee, that they had reported to the House the fact of the organization of the Senate.

Sergeant-at-arms announced a message from the House. The clerk of the House informed the Senate that the House had appointed a committee of three, consisting of Representatives Epperson, Harris and Sayers, to act with a like committee on the part of the Senate, to inform his Excellency the Governor of the organization of the Fourteenth Legislature of the State of Texas.

The President *pro tem.* appointed Jesse Ellis first page of the Senate.

Senator Flanagan, of Rusk, and Randle, of Walker, appeared before the bar of the Senate and were sworn in.

Senator Culberson, for the committee on the part of the Senate, announced that the joint committee had waited on his Excellency the Governor, and submitted the following report:

Hon. John Ireland, President of the Senate:

Your committee appointed to wait upon his Excellency the Governor, and to notify him of the organization of the Fourteenth Legislature, have to report that, in conjunc-

tion with a like committee on the part of the House, they performed the duty assigned them, and were informed by the Governor that he would reply to the committee in writing during the day and before 5 o'clock P. M.

D. B. CULBERSON,
L. D. BRADLEY,
GEO. B. ERATH,
Committee.

On motion of Senator Erath, the Senate adjourned until 10 o'clock A. M. to-morrow.

SECOND DAY.

SENATE CHAMBER.

AUSTIN, January 14, 1874.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain. Journal of yesterday read and adopted.

Senator Ledbetter presented certificate of election of T. G. Davidson, Senator elect from the Sixteenth District; also a communication from said T. G. Davidson, declining to qualify as such. Certificate and communication read, and on motion of Senator Dillard was referred to Committee on Privileges and Elections.

Special joint committee to confer with his Excellency the Governor made the following report:

Hon. John Ireland, President of the Senate:

Your committee appointed to wait upon his Excellency the Governor and inform him of the organization of the Fourteenth Legislature, have to report that they are not ready to make a final report of their action. The Governor will submit to your committee his reply, in writing, by 12 o'clock to-day, after which the committee will make a final report.

D. B. CULBERSON,
L. D. BRADLEY,
GEO. B. ERATH.

On motion of Senator Wood, the Senate adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

Senator Culbertson, on part of the special committee, reported as follows:

Hon. John Ireland, President of the Senate:

Your committee appointed to wait upon the Governor and inform him of the organization of the Fourteenth Legislature, have to report that the answer of the Governor to the verbal communications of your committee, acting with a like committee on the part of the House, was received to-day at 12 o'clock, M., and your committee herewith submit to the Senate a copy of said

answer, the original having been transmitted to the House by its committee.

D. B. CULBERSON,
L. D. BRADLEY,
GEO. B. ERATH,
Committee.

EXECUTIVE OFFICE.

AUSTIN, TEXAS, January 13, 1874.

Gentlemen: In reply to your verbal communication made to-day, I have to state that I do not think it advisable, or for the public good, that I should disregard the decision of the Supreme Court made recently, touching the late election, by officially recognizing the gentlemen you represent as being the constitutionally elected Fourteenth Legislature.

It seems to me that there is some better solution of this present difficulty than that the Governor and those claiming to be the elected Legislature should jointly combine to override the judiciary and disregard their construction of the Constitution. I must believe that such course will leave the door open for dangerous uncertainty in the future, both in the matter of authority to enact the legislation that may be proposed by the gentlemen you represent, and the matter of Constitutional existence of the highest tribunal of our State. There may be found two Supreme Courts and even two Legislatures claiming authority. It is even now claimed by some that the Thirteenth Legislature is at present the only legally existing Legislature, and that it only can constitutionally convene and provide for this emergency. It will then be only, after all, a settlement brought about by a species of revolution or violence as against the court making the decision.

It is true, it is easy enough, and it seems the simplest solution of the present difficulty, that we should jointly adopt that course, as the Supreme Court has no way of enforcing its decisions as against the Executive and Legislature combined, but I consider that in this case the easiest course is not one that I would like to be a party to. I will be happy to join you and the gentlemen you represent in applying the promptest and most feasible remedy in this difficulty. It has been repeatedly held that the recognition of Congress and the Executive of the United States will settle the question as to what body of men constitute the Legislature, and which is the proper State government. This may afford a solution to be accepted by all.

I am more free to act with independence in securing, with you or those gentlemen, that sort of solution, because I feel myself entirely disinterested herein. I accept the election, whether constitutional or not, as conclusive against myself, and will in no event continue to exercise the functions of